

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

V.

WARFIELD-ROHR CASKET  
COMPANY, INC.,

Defendant.

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) CIVIL ACTION NO. WMN-01-2872

PLAINTIFF'S REQUESTED VOIR DIRE

Plaintiff requests the Court to propound the voir dire set forth below.

### A. GENERAL BACKGROUND QUESTIONS

1. Marital status

### Number and ages of children

2. Are you a member of any social, civic, religious or professional or employment-related organizations or any other club or membership organizations?

**IF YES:** Please describe.

3. How far did you go in school?

**IF MORE THAN HIGH SCHOOL:**

What school(s) did you attend?

What did you study?

What degrees or certificates did you receive?

4. Have you or any member of your family ever worked in the insurance industry in

any way including in the investigation of claims?

5. What is/was your occupation? What do/did you do on your job?

For how long have you (or were you) employed at this job?

How large is the company that you work for?

Have you ever worked for a small company (<50 employees)?

6. What other jobs have you held?

**B. FAMILIARITY WITH OLDER INDIVIDUALS IN THE WORKPLACE**

Because this case involves a claim of discrimination based on age, questions should be asked concerning each juror's views of and experiences with older workers.

1. Have you or anyone close to you ever experienced mistreatment in the workplace because of age?

**IF YES:** Explain.

2. Have you ever witnessed others in the workplace being mistreated because of age?

**IF YES:** Explain.

3. Has an employer ever questioned your ability to perform your job because of age-related reasons?

**IF YES:** Describe what happened.

4. How often do you think it happens that a person is treated unfairly because of his or her age?

5. Do you think that discrimination against someone because of age is a thing of the past?

6. Do you think it likely that older employees in the workplace have a tendency to

slow down or take it easy?

7. Do you think that after many years in the workplace, an older employee should step aside and allow younger employees to advance?

**C. LAWSUITS/ADMINISTRATIVE COMPLAINTS/COURT EXPERIENCE**

1. Have you ever served as a juror?

**IF YES:** What kind of case? In what court? Did the jury deliberate? What was the outcome? Were you satisfied with the outcome? Did anyone connected to the court or the case discuss the outcome with you after the trial was over?

2. Have you ever been a witness in court or given testimony at a deposition?

**IF YES:** Please describe the circumstances?

3. Have you or has anyone close to you ever sued or been sued?

**IF YES:** Please describe the nature of the case and its outcome. Were you/he/she satisfied? If not, why not?

4. Have you or has anyone close to you ever been in a situation where you could have filed a lawsuit and chose not to do so?

**IF YES:** Please describe the circumstances and why you/they decided not to sue.

5. Have you or anyone close to you ever filed any kind of administrative complaint against an employer or a supervisor?

**IF YES:** Please explain.

6. Have you ever been involved in any way in a lawsuit or claim involving discrimination or unfair treatment in employment?

**IF YES:** Please explain.

7. Have you or anyone close to you ever been accused of discriminating against someone else on the job or under any other circumstances?

**IF YES:** Please explain.

8. Have you ever had any contact with the United States government agency, the Equal Employment Opportunity Commission (EEOC)?

**IF YES:** Please explain.

9. Have you ever had any contact with the Maryland Human Relations Commission?

**IF YES:** Please explain.

10. Do you have any opinions, either positive or negative, about the Equal Employment Opportunity Commission (EEOC)?

**IF YES:** Please explain.

**D. WORK RELATED EXPERIENCES**

1. Have you ever kept a work journal to record your day-to-day work activities?
2. Have you ever had a supervisor who kept a work journal and recorded your day-to-day work activities?

**IF YES:** Do you have any feelings, one way or another, about supervisors who record your day-to-day work performance work in a journal?

3. Have you had any experience supervising other employees?

**IF YES:** What did those supervisory responsibilities involve?

4. Have you ever had responsibility for hiring and firing others or making recommendations concerning hiring and firing?

**IF YES:** Please describe your responsibilities. How comfortable were you making those decisions or recommendations?

5. Have you had training in personnel management, human resources, or other aspects of employment decision making?
6. Have you or anyone close to you (spouse, friend, family member) ever been fired from a job?
7. Have you or anyone close to you (spouse, friend, family member) ever openly questioned or challenged the policies or practices of your employer?

**IF YES:** On what kind of issue did you challenge your employer? What happened?

**E. DISCRIMINATION LAWSUITS**

1. Have you read or heard of lawsuits claiming that someone was discriminated against in employment?

**IF YES:** What have you heard? What do you think of those claims?

2. Some people say that everybody is claiming discrimination today, and that most discrimination claims are just excuses to cover up other problems the person had in doing a job. Have you heard someone say this?

**IF YES:** What do you think about the idea?

3. Anyone might feel that he or she was treated unfairly if he or she were fired from a job. Some kinds of unfairness are prohibited by law. If someone feels that the unfair treatment he or she has received is against the law, do you think that individual should pursue all legal remedies or just make the best of a bad situation?

**F. LAWS AGAINST DISCRIMINATION**

1. Do you have any hesitation applying a law that requires employers to conduct their employment practices without regard to an employee's age?

**G. CLAIMANT IN NON-TRADITIONAL JOB**

1. This case concerns Frederick Kuehn, age 62, who held a job with Warfield-Rohr Casket Company for 29 years. Mr. Kuehn worked as a casket trimmer and as the foreman of the casket trimming department. His job was to make sure that quality caskets were built for the company which in turn, would be sold to funeral homes.
  - A. How do you feel about Mr. Kuehn performing this kind of work?
  - B. Do you believe that there is anything distasteful or morbid about this type of work?

**H. DAMAGES**

1. Do you have any hesitation applying the principle of law that says a person who proves by a preponderance of the evidence that he or she was discriminated against on the job has a right to receive money damages?
2. Have you ever started a business of your own?

**IF YES:** Did you make a profit in your first year?

3. Have you had a job loss in the last five years?

**IF YES:** Was it difficult to find another job?

**I. ABILITY TO BE IMPARTIAL**

1. Do you hold any beliefs which would prevent you from being impartial in this case?

At this point, the Court should invite any potential juror to the bench to discuss privately why he or she would lack impartiality.

Respectfully submitted,

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/s/

REGINA M. ANDREW  
Trial Attorney  
Equal Employment Opportunity Commission  
10 S. Howard Street, 3rd Floor  
Baltimore, MD 21201  
(410) 962-4220